

Naples City Council

September 22, 2011

Minutes

The regularly scheduled meeting of the Naples City Council was held September 22, 2011, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen, and Kenneth Reynolds.

COUNCIL MEMBERS ATTENDING

Others attending were Justin Lloyd, Shauna Jo Eves, Tammy Nak, James Nak, Skyler Norton, Vance King, Michael Drechsel, Tracy Stocking, Kayden Workman, Lexie Revert, Nichole Scott, Matt Kofford, Mark Watkins, Vance King, Jim Harper, Chris Hoem, Craig Blunt, and Nikki Kay.

OTHERS ATTENDING

At 7:30 p.m. Mayor Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Gordon Kitchen offered the invocation.

OPENING CEREMONY

Dennis Long **moved** to approve the agenda as presented. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

AGENDA APPROVED

Mayor Baker asked for approval of the minutes of September 8, 2011. Robert Hall **moved** to accept the minutes of September 8, 2011 as written. Gordon Kitchen **seconded** the motion. The motion passed with all in attendance voting aye.

MINUTES APPROVED

Mayor Baker asked about any follow up matters from the September 8th meeting. There were no questions.

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Connie Patton presented the bills in the amount of \$118,986.97 and asked for approval to pay them. Councilman Long asked about the bill for the lights. Craig Blunt explained they were for changing out the light fixtures in the building. Dan Olsen **moved** to approve the amount as presented. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

APPROVAL OF THE BILLS

Robert Hall

Aye

Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

A business license application was received from Red Mountain Motor at 1409 S 1500 E #8. Craig Blunt stated the business was in the proper zone and he wants to go back and make sure the building is ready for use after they move in. Craig said the business works in connection with CG Electrical and they do work on electrical motors. Robert Hall **moved** to approve the license. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

APPROVAL OF BUSINESS LICENSES

Shauna Jo Eves with the Uintah Recreation District came before the Council to discuss the Mayor's Halloween Walk for this year. Ms. Eves said the Mayor's walk last year was a big hit and has become a huge event. Ms. Eves gave the Council a copy of the budget for the 2011 Halloween walk and said they would really appreciate the City's support again this year. Councilman Kitchen asked if the District worked out a better way to get the children through the line last year because it was such a nightmare the year before. Ms. Eves said they did try a different way last year and things went a lot smoother. Mayor Baker asked if funds were available for the walk. Nikki Kay said the City budgeted the same amount in public relations this year as last year and the City supported the event last year. Ms. Eves invited all of the Council to attend and help hand out candy and awards. Robert Hall **moved** to approve expending funds for the District's Halloween Mayor's walk. Dennis Long **seconded** the motion. The motion passed with a roll call vote as follows:

UINTAH RECREATION DISTRICT MAYOR'S HALLOWEEN WALK

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Vance King came before the Council to present draw request #6 for the 2500 South road project. Mr. King said the contractor worked on placing mailboxes on 2500 South and also completed more of the asphalt work. The amount requested was \$21,930.04. Councilman Long wanted to know if Mr. King knew when the mailboxes would be ready for use. Mr. King said he had not heard. Mayor Baker asked about the

DRAW REQUEST #6 FOR 2500 SOUTH ROAD

retaining wall at the Bristol's and said the dirt around the water meter is still not right. Mr. King said that repair is on an upcoming change order but he is still waiting for prices from the contractor before he can submit it. Mayor Baker said the Bristol's need the dirt tamped down so they can put their rocks back in. Mr. King said it is one of the items on the list to be completed. Councilman Kitchen asked about the fence on the north side of the road in front of the Goodrich's property. He wanted to know if the ground would be brought up to grade because it looks bad. Mr. King said it is another item they will be working on. Councilman Kitchen wanted to know if that has been conveyed to the property owners. Mr. King said he spoke with Craig Goodrich personally and told him what would be done there. Mr. King said he does not have the cost back from the contractor for that correction. Councilman Kitchen just wanted to make sure Mr. King touched base with Mr. Goodrich to let them know where things stand. Mr. King said he asked Craig Goodrich for his permission to fill out onto his property so they could build up the road and get the fence back in. Robert Hall **moved** to approve the draw in the amount of \$21,930.04. Dan Olsen **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Mr. King wanted to update the Council on the fence situation that was part of the irrigation portion of the project. Mr. King said there was one spot on the project where the City would be impacting a unique pole fence at Mr. Myers. The relocation of the fence was part of the bid packet. The bid was to recreate the fence in the style that exists in a different location. Mr. King said they had four different items to relocate fences on the contract and those were at the Myers', Monroe's, Richens', and one across from the Maverick. Mr. King reported that the subcontractor erred in the price of the fence and quoted it at \$5.20 per foot for one hundred twenty-five feet. He said the contractor was just going to absorb the difference because it was their mistake but then the City added an additional 125' of fence at the Hughes property. Mr. King said it would be the fair thing to pay the contractor the correct price for that additional 125'. Councilman Hall wanted to know what the correct price

should be. Mr. King said it should be around \$32 per foot. Mayor Baker wanted to know what was in the original contract for the Hughes' fence. Mr. King said they didn't bid on the fence at the Hughes' property. Councilman Kitchen wanted to know what they were bidding on when they bid the \$5.20 per foot. Mr. King said the contractor just took the amount from the subcontractor and didn't really check it. Mr. King said the problem wasn't discovered until the contractor paid for the materials. Councilman Hall wanted to know if the price on the fence was reasonable. Mr. King wasn't sure. Mayor Baker suggested that Mr. King see if he could contact a couple of fence companies to determine if the quote of \$32 per foot is within reason. Mr. King said he would see if he could verify the amount.

Council members received two proposals on a retail outlet building for the one acre property east of the City Office building. Craig Blunt recommended the Council form a committee to review the proposals and have the committee give recommendation of which one would be the best to work with. Councilman Kitchen wanted to know why the Council needed a fancy architectural proposal when they were more interested in what could be put there at a reasonable cost that would invite a retail or professional business to come here. Craig said determining the type of business that would come here would help determine what kind of building to construct. Mayor Baker didn't want to spend money unnecessarily determining what type of business should be here. Craig Blunt said the proposals are for a fixed cost. Councilman Kitchen said the City knows what they have in terms of property and doesn't understand the need for the architectural proposal. Craig said this building would be the first one built in the downtown and would set the standard for others to follow. Craig said he doesn't want to see the City just throw anything up. Councilman Kitchen said the City has already spent a great deal of money with Tracy Stocking as they came up with the concept of a downtown and now they want additional money to design this. Mayor Baker said he just wants to utilize the Redevelopment funds in the best way possible to try and help the downtown to start to grow. Mayor Baker said he wants the building to look nice and the type of business that should go well there would just be speculation. Mayor Baker said there is no commercial in this area because there is nothing available for lease or rent. Mayor Baker said the City already knows how they want the building to look on the outside they just need to determine what size of building

***REVIEW REQUEST FOR
PROPOSALS ON RETAIL
OUTLET DEVELOPMENT***

would work for the area. Councilman Kitchen said the proposal shows \$32,000 for just a first phase of an economic study. Mayor Baker said it also shows 5 percent of construction cost. Mayor Baker said he doesn't think they need to form a committee, the Council could make a decision on what they wanted from an architect rendering.

Tracy Stocking was in attendance at the meeting and addressed the Council on what they were wanting. Mayor Baker said the City wants to build a building with the limited funds available, on the lot they have available. Mayor Baker said it would be nice if the building could accommodate two businesses and could be ready for occupation by next summer. Mr. Stocking said gave the Council a sketch of what size building would fit on the property. He said a 7,000 square foot building should fit on the property. Mayor Baker said they could spend a lot of time trying to determine what type of business should go here but they really just want a nice building made available as a start for others to want to come here. Mr. Stocking said he gets the feeling the Council will build the building no matter what the visioning statement says. Mr. Stocking said he was ready for whatever the Council wanted. Mayor Baker said they aren't opposed to paying, they just want a rendering for the building. Councilman Long wanted to know what the time frame would be for this size building. Mr. Stocking said about three months for the shell of the building. Dennis Long **moved** to proceed with Tracy Stocking to design a building for the City at the 5 percent construction cost. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Mike Drechsel, Deputy Uintah County Attorney, came before the Council to discuss the petition to vacate a portion of 1000 South. Mr. Drechsel gave Council members a copy of the revised drawing for the hammer head intersection on 1000 South. He stated the County is asking that a portion of 1000 South be vacated. Mr. Drechsel explained that the Federal Aviation guidelines require the airport take certain actions to expand the runway visual zone. Mr. Drechsel said the County has purchased property along 1000 South and they are in a position to consider vacating 1000 South. He said Uintah County has legal rights to both sides of 1000 South and District Court granted Uintah County an order of occupancy for a parcel so they can take action on that property. Mr. Drechsel said at this point Uintah County can occupy and make improvements on the land. Mr. Drechsel noted that they have started to erect fence posts on 1000 South but

***PLANNING COMMISSION
REPORT ON PUBLIC
HEARING TO VACATE
ROAD - MOTION TO
APPROVE REQUEST TO
VACATE PORTION OF
1000 SOUTH ROAD***

they have done nothing to impede 1000 South until official action is taken by the Council. Councilman Kitchen asked about the access to the south side of the road. Mr. Drechsel said they purchased that property from Mr. Bingham several years ago. Mayor Baker wanted to know about the hammer head that goes into the Bingham's driveway, he said it shows as an easement and Mayor Baker wanted to know if the County has obtained that easement. Mr. Drechsel reported that they don't have the easement yet because they wanted to wait and make sure the Naples Council would make a conditional vacation of the street on having those easements. Mayor Baker said their only concern was to have the easement and maintain the ability to pull in that driveway when needed. Mr. Drechsel said he met with Scott Bingham and his wife and said they committed again to move forward with the easement for the first thirty or forty feet of their driveway for the purpose of a turn around. Councilman Reynolds wanted to know if they moved the fence back as they discussed in Planning Commission meeting. Mr. Drechsel said they did and they do see the wisdom of having it back from the property line to give people who are doing the snow plowing a little more leeway. Councilman Reynolds also asked about allowing the piling of snow in the small corner spot. Mr. Drechsel said they agreed to that but did have a request of those plowing, he asked that they limit the snow to what accumulates in the hammer head and not snow from the entire road. He said if too much accumulates it could impede the airport runway visuals. Councilman Reynolds asked if the fence was ten feet back. Mr. Drechsel said it is a ten-foot setback. Chris Hoem asked about the solid line that cuts through the hammer head. Mr. Drechsel said that is the presumed right-of-way line. He said the previous County Attorney filed a condemnation action for the parcel of land north of 1000 South and wrote the description just to the edge of the road and not to the center of the road as most property descriptions are written. Mr. Drechsel explained that this means there is a piece of land that is on the north side of the roadway that is subject to Naples City right-of-way but has not been condemned by Uintah County and will need to be resolved by the County as it will be part of the airport property. Chris Hoem wanted to know if the County owned the small triangle piece of land on the drawing. Mr. Drechsel said the County does own it. Chris Hoem wanted to know if it was on Naples City right-of-way. Mr. Drechsel said that was correct but it was not going to be outside of the fence line and there was not much traffic down there. Mr. Drechsel said there would be a gate located there

but it would not be a gate that anyone would be going in and out of very often. Mayor Baker wanted to know if the proper signs would be put up. Jeremy Hill, Engineer for the airport fence project, said they will use the Chevron signs that are currently up and just hang those on the fence. Craig Blunt said they will also need to put up the "dead end" road signs. Mr. Drechsel said they can meet with the road department and work that out. Mayor Baker just wanted to make sure the easements for the hammer head are in place. Mr. Drechsel stated there would be two easements, one from the County and one from Mr. Bingham. Robert Hall **moved** to have the City vacate 1000 South as proposed conditional upon obtaining the necessary County easement and the easement from the Bingham's. Dennis Long **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Craig Blunt updated the Council on upcoming changes in the Utah State Retirement (URS) rates. Mayor Baker wanted to know if Craig had figured out an estimate of how the rate increase would impact the City. Craig said he had not. Craig explained the difference in the Tier I and Tier II employees in the URS system. Craig said the City doesn't currently have any employees on the Tier II system. Mayor Baker said he estimated approximately an additional \$30,000 in the budget for next year to cover the cost of the increased rates. Craig Blunt said he spoke with Dennis Judd and determined that the City would need to put something in policy regarding the Retirement System and elected officials. He said they are still working out how this implicates retirement for the Justice Court Judge also.

Craig Blunt also updated the Council on recent changes in transient room tax collections and allocations. Craig said the City will need to petition the Utah State Tax Commission for a tax exempt number regarding transient room tax. The City will now have to pay taxes for motel rooms and request reimbursement from the Tax Commission for those charges. The Utah State Tax Commission is also now collecting all transient room taxes and allocating those back to the cities.

Jim Harper provided photos of 2500 South that showed the

***DISCUSSION ON UTAH
STATE RETIREMENT
ISSUES AND CHANGES TO
TAX EXEMPTION FOR
TRANSIENT ROOM TAX***

DISCUSSION ON 2500

widths of the travel lanes. Craig said there are different widths to the travel lanes as you go down 2500 South. Jim said the road was striped according to UDOT standards. Mayor Baker wanted to know if Jim obtained the standards used by Vernal City or Uintah County. Jim said he did not. Jim said the lanes on 2500 South were painted according to UDOT standards. UDOT said they only vary according to type of traffic or speed of traffic. Mayor Baker asked Jim to follow up on the standards used by Vernal City and Uintah County. This was just for discussion as the City would not be able to make any changes until the road is chip sealed.

SOUTH ROAD STRIPING

Jim Harper presented the Council with before and after pictures of 500 South to show the difference after compacting the side hill. Jim said they compacted the side hill approximately 12-14" the first time and then when they placed the tar sands it compacted another 6-8". Jim said the hill is now compacted with tar sand and the water should run off and not wash away the road. Council members thanked Jim for the information.

UPDATE ON 500 SOUTH

Chief Watkins asked for approval to send Andrew Cox to K-9 training. The amount requested was \$974.91. Robert Hall **moved** to approve the request. Dennis Long **seconded** the motion. The motion passed with the following vote:

TRAVEL APPROVAL REQUESTS

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Jim Harper asked approval to send Ryan Cook to training in Tooele for heavy equipment training. Jim said they are trying to become certified on all the heavy equipment and this would help Ryan become certified on the skid steer. Councilman Long asked if the amount requested was in his budget. Jim said it was. Gordon Kitchen **moved** to approve the \$545 requested. Dan Olsen **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Jim Harper asked for approval to attend a class sponsored by Utah Local Governments Trust in Salt Lake for CDL Management. Dennis Long **moved** to approve \$206.12 for the travel. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Mayor Baker and Craig Blunt asked for \$30 per diem each to attend a storm water presentation in Salt Lake City at a conference being held at the Expo Center. Mayor said they would be traveling out and back in the same day. The amount requested was \$60. Robert Hall **moved** to approve the request. Dan Olsen **seconded** the motion. The motion passed as follows:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Jim Harper asked for approval to expend funds to purchase cutting edges for the loader. Jim presented two bids for the edges. Jim said he just put a new edge on the loader and wanted to order another to have one on hand. Councilman Hall wanted to know if the funds were in the budget. Jim said they were. Robert Hall **moved** to approve the lower bid from Hydro Engineering. Dennis Long **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

***REQUEST TO PURCHASE
CUTTING EDGES FOR
LOADER***

Animal Control Special Service District - Councilman Olsen reported on an Emergency Meeting the Districts held and the discussion they had regarding what they would do if a fire were to occur up Dry Fork Canyon and how they would evacuate the people and animals. Councilman Olsen said they have also resurfaced the floors at the Shelter and built

***SPECIAL SERVICE
DISTRICT UPDATES***

some new cabinets.

Fire Suppression Special Service District - Councilman Hall reported that all of the Districts have joined the law suit against Mr. Salazar. Councilman Hall said this is an existing law suit and the Districts have joined because the Courts have said the Counties don't have any say in the matter because Districts should stand on their own. Councilman Hall stated the Districts stand to be hurt if the oil leases are not given so the Fire and Health Districts have formally ratified joining the Counties law suit.

Recreation District - Councilman Kitchen told the Council that the Naples Park is the envy of the District. Councilman Kitchen suggested recognizing Tyson again this year for the good work he has done in maintaining the park. It was suggested purchasing a certificate for dinner at a local restaurant or inviting him to the Naples Christmas party.

Mayor Baker asked the Council if they wanted to do anything different next year at Halloween. He asked if the City wanted to try and do something on their own or if they wanted to continue with the District. Councilman Kitchen thought it would be too hard to try and compete with the District and too much of a headache. Mayor Baker suggested they could contribute to the trunk or treat at the park. Councilman Kitchen didn't think they could offer money to those who sponsor that. The majority felt they would like to continue with the District and help sponsor the Halloween Mayor's walk.

OTHER MATTERS

With no other business before the Council, Kenneth Reynolds **moved** to adjourn the meeting at 9:15 p.m. Robert Hall **seconded** the motion. The meeting was adjourned.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 13th DAY OF OCTOBER 2011

BY: _____

ATTEST: _____